

1 **Workers' Compensation Full Board Meeting Minutes**

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3 **Date:** **Tuesday; June 13, 2023**
4 **Location:** **328 State Street, Schenectady, NY**
5 **Room 324**
6 **WebEx/Live Broadcast**

7 **Time:** **10:00 a.m.**

8 **MEMBERS OF THE BOARD**

9 Clarissa M. Rodriguez, Chair
10 Freida Foster, Vice Chair
11 Mark Higgins
12 Loren Lobban, Esq.
13 Samuel G. Williams (absent)
14 Linda Hull
15 Fredrick M. Ausili, Esq.
16 Steven A. Crain, Esq.
17 Mark R. Stasko
18 Arelis Tavares
19 Martin M. Dilan
20 Pamela Caggianelli
21 Renee Delgado, Esq.

22 **SECRETARY TO THE BOARD**

23 Laura Inglis

24 **GENERAL COUNSEL**

 Heather MacMaster, Esq.

EXECUTIVE DIRECTOR

 Steven M. Scotti, Esq.

ALSO PRESENT

 Missy Stewart, Director of Public Information

1 CLARISSA RODRIGUEZ: Thank you. Good
2 morning, everyone.

3 ALL: Good morning.

4 CLARISSA RODRIGUEZ: (Audio cuts out) for
5 joining us today. I'm Clarissa Rodriguez, Chair of
6 the New York State Workers' Compensation Board.
7 Today's meeting is being webcast live for members of
8 the public. And we're also accompanied by an ASL
9 interpreter. Welcome. Thank you for being here.

10 Now, I have the honor of calling the 1,022
11 meeting of the Board to -- of the Full Board to order.
12 Madam Secretary, will you please call attendance?

13 LAURA INGLIS: Vice Chair Foster.

14 FREIDA FOSTER: Here.

15 LAURA INGLIS: Board Member Higgins.

16 MARK HIGGINS: Here.

17 LAURA INGLIS: Board Member Lobban.

18 LOREN LOBBAN: Here.

19 LAURA INGLIS: Board Member Hull.

20 LINDA HULL: Here.

21 LAURA INGLIS: Board Member Ausili.

22 FREDRICK AUSILI: Here.

23 LAURA INGLIS: Board Member Crain.

24 STEVEN CRAIN: Here.

1 LAURA INGLIS: Board Member Stasko.
2 MARK STASKO: Here.
3 LAURA INGLIS: Board Member Tavares.
4 ARELIS TAVARES: Here.
5 LAURA INGLIS: Board Member Caggianelli.
6 PAMELA CAGGIANELLI: Here.
7 LAURA INGLIS: Board Member Dilan.
8 MARTIN DILAN: Here.
9 LAURA INGLIS: And, Board Member Delgado.
10 RENEE DELGADO: Here.
11 LAURA INGLIS: Chair, Board Member Williams
12 is absent today.
13 CLARISSA RODRIGUEZ: Okay. May I please
14 have a motion to excuse the absence of Board Member
15 Williams?
16 MARTIN DILAN: Madam -- Madam Chair, Board
17 Member Dilan, and I move to accept the excuse of -- of
18 Board Member Williams.
19 CLARISSA RODRIGUEZ: Thank you, Board Member
20 Dilan. Is there a second to the motion?
21 LINDA HULL: Yes. This is Board Member
22 Linda Hull, and I second that motion.
23 CLARISSA RODRIGUEZ: Thank you, Board Member
24 Hull. Is there any opposition to the motion? Okay,

1 seeing and hearing none, all in favor, Board Members
2 please say aye.

3 ALL: Aye.

4 CLARISSA RODRIGUEZ: All opposed? Okay,
5 hearing no opposition, that motion is passed. Thank
6 you, Board Members. Agenda Item 1, approval of the
7 May 16th, 2023 meeting minutes. You have all received
8 a copy of the May 16th, 2023 meeting minutes for your
9 review. Are there any questions or need for
10 discussion? Okay, seeing and hearing none, is there a
11 motion to accept the Board meeting minutes for the
12 month of May?

13 MARTIN DILAN: Yes, Madam Chair. Board
14 Member Dilan, and I move to accept the minutes of the
15 May 16th meeting.

16 CLARISSA RODRIGUEZ: Thank you, Board Member
17 Dilan. Is there a second?

18 LINDA HULL: This is Board Member Hull, and
19 I second that motion.

20 CLARISSA RODRIGUEZ: Thank you, Board Member
21 Hurl -- Hull. Is there any opposition to the motion?
22 Okay, seeing and hearing none, Board Members all in
23 favor, please say aye.

24 ALL: Aye.

1 CLARISSA RODRIGUEZ: Thank you. All
2 opposed? Hearing no opposition, I am also a yes.
3 That motion is passed. Thank you, Board Members.

4 Agenda Item 2, Office of General Counsel's
5 Departmental Report. General Counsel, Heather
6 MacMaster, will now present the Statistical and
7 Informational Report for the month of May.

8 HEATHER MACMASTER: Good morning, Madam
9 Chair, Madam Vice Chair, Board Members. In May 2023
10 the Adjudication Division held 19,282 hearings; 12,572
11 cases were resolved at the hearing and the Adjudi --
12 Adjudication Division issued 402 Reserve Decisions;
13 2,408 Waiver Agreements were finalized. The
14 Administrative Review Division received 1,182
15 applications, it processed 996, and the current
16 applications pending are 5,285. In Legal Affairs, 127
17 Full Board Review applications were received, 130 were
18 processed and there are currently pending 196
19 applications.

20 CLARISSA RODRIGUEZ: Okay. Thank you.
21 Board Members, are there any questions or need for
22 discussion? Okay, hearing none, may I please have a
23 motion to accept the Office of General Counsel's
24 Departmental Report?

1 MARTIN DILAN: I am Board Member Dilan, and
2 I move to accept the report of the General Counsel as
3 presented.

4 CLARISSA RODRIGUEZ: Thank you, Board Member
5 Dilan. Is there a second?

6 LINDA HULL: This is Board Member Hull, and
7 I second that motion.

8 CLARISSA RODRIGUEZ: Thank you (audio cuts
9 out). Is there any opposition to the -- to the
10 motion? Okay, seeing and hearing none, Board Members
11 all in favor, please say aye.

12 ALL: Aye.

13 CLARISSA RODRIGUEZ: All opposed? Okay. I
14 am also a yes. That motion is passed. Thank you,
15 Board Members. Agenda Item 3, there are no Licensing
16 Applications for the month of May. Legal Appeals.
17 Heather MacMaster will now present the recommendations
18 concerning decisions by the Appellate Division.

19 HEATHER MACMASTER: Thank you, Madam Chair.
20 With respect to Items 4A through 4M, it is the Office
21 of General Counsel's recommendation to adopt the
22 decisions of the Court as the decisions of the Board.

23 CLARISSA RODRIGUEZ: Okay. Thank you,
24 Heather. Board Members, may I please have a motion to

1 accept the recommendations of the Office of General
2 Counsel?

3 MARTIN DILAN: Yes, Madam Chair. I'm Board
4 Member Dilan, and I move to accept the recommendation
5 of General Counsel.

6 CLARISSA RODRIGUEZ: Thank you, Board Member
7 Dilan. Is there a second?

8 LINDA HULL: This is Board Member Hull, and
9 I second that motion.

10 CLARISSA RODRIGUEZ: Thank you, Board Member
11 Hull. Is there any opposition to the motion? Okay,
12 seeing and hearing no opposition, Board Members all in
13 favor, please say aye.

14 ALL: Aye.

15 CLARISSA RODRIGUEZ: Thank you. All
16 opposed? Okay. No opposition. I am also a yes.
17 That motion is passed. Thank you, Board Members.
18 Agenda Item 5, Mandatory Full Board Review. We have
19 Case 5A, The Brooklyn Hospital Center, Case Number
20 G1374081. Is there a motion with respect to 5A on the
21 agenda?

22 PAMELA CAGGIANELLI: Yes, Madam Chair. This
23 is (audio cuts out) Caggianelli, and I move that the
24 unanimous -- unanimous decision be adopted by the Full

1 Board.

2 CLARISSA RODRIGUEZ: Okay. Thank you, Board
3 Member Caggianelli. Is there a second?

4 LINDA HULL: Yes. This is Board Member
5 Hull, and I second that motion.

6 CLARISSA RODRIGUEZ: Thank you, Board Member
7 Hull. Is there any opposition to the motion? Okay,
8 seeing and hearing none, Board Members all in favor,
9 please say aye.

10 ALL: Aye.

11 CLARISSA RODRIGUEZ: Thank you. All
12 opposed? No opposition. I am also a yes. That
13 motion is passed. Thank you, Board Members. Agenda
14 Item 6, there are no Discretionary Full Board Review
15 cases to consider this month. Agenda Item 7. Is
16 there any other business, Board Members? Okay. No
17 other business. So we'll now move on to our guest
18 speaker today, Missy Stewart, the Workers'
19 Compensation Board's Public Information Officer, and
20 she's here to give us a departmental report.

21 Now, Missy has been the director of the Public
22 Information Office at the Board for several years.
23 And as the head of the communications team, Missy
24 works to promote the Board's efforts to protect the

1 rights of New York State workers and employers and
2 raise awareness of the critical benefit programs
3 administered by the Board. Thank you for -- very much
4 for being here, Missy.

5 MISSY STEWART: Thank you. Good morning,
6 Chair, Vice Chair, Board Members and guests. I'm
7 happy to be here today not just in my usual spot over
8 there as Board meeting observer, but to be able to
9 talk with you about my area of the Board, the Public
10 Information Office.

11 The Public Information Office is a group of 21
12 communications, training and creative professionals
13 who oversee Board training and communications for
14 staff and external stakeholders. Our external
15 stakeholders include both Workers' Comp system
16 participants who play a role in providing and
17 administering critical benefits, as well as the
18 members of the general public who use them.

19 Among these are tens of thousands of injured
20 workers and surviving family members, over 500,000
21 employers, more than 20,000 healthcare providers and
22 other system participants, such as carriers,
23 third-party administrators, attorneys and more, all of
24 whom rely on the Board for critical -- critical

1 education and information on Board-administered
2 benefits and related processes, regulations and more.

3 The Public Information Office works closely with
4 all Board units as -- and is involved in almost every
5 major project, in addition to managing internal
6 communications. We ensure the Board communicates to
7 our stakeholders effectively, which means accurately,
8 timely and consistently and that the Board looks good
9 while doing so.

10 The PIO is made up of three key areas, which I'll
11 tell you about now. Led by Pam Barnhart, our Change
12 Management Unit oversees outreach and training for
13 Board staff and our external stakeholders. Staff
14 Development oversees internal training, including
15 mandated training from the Office of Employee
16 Relations and the Board, and they develop additional
17 training and support aids to assist Board employees
18 with job functions and core skills.

19 Our communications and outreach team is
20 responsible for training and communicating with our
21 external stakeholders. The team develops
22 outward-facing Board brochures, fact sheets and other
23 materials, creates and delivers presentations, hosts
24 live webinars, conferences and other events, helps

1 creates videos for social media and manages our
2 GovDelivery e-mail subscription service, which blasts
3 updates to Board subscribers and targeted stakeholders
4 on the topics that they care about. They also help
5 ensure public meetings, such as this one, are streamed
6 to the public and a recording posted to the website.
7 So a shout out to Mike over there for -- who is on the
8 team (inaudible).

9 Led by Andrea Cyr, the Board's PR and regulatory
10 coms unit manages and monitors the Board's
11 interactions with the media. This includes press
12 releases, press announcements, inquiries and
13 monitoring the media for mentions of the Board and the
14 New York State Workers' Comp system. The unit also
15 oversees and develops content for the Board's social
16 media channels, which include Facebook, Twitter,
17 Instagram, YouTube, and coming soon LinkedIn, as well
18 as many of our internal communications, such as our
19 monthly newsletter, Across the Board. This team also
20 manages the subject number process, which is the
21 Board's mechanism for announcing things such as
22 emergency regulations and proposed or adopted
23 amendments to the Workers' Comp Law.

24 Finally, our small but mighty graphics design

1 unit lead by JP Munyan is responsible for the look and
2 feel of Board communications. This includes
3 everything from print publications, signage and
4 displays, to digital materials, such as our
5 presentation templates, like the one I'm using right
6 now, e-mail templates and WCB letterhead. JP and her
7 team also source and develop images and graphics for
8 the Board's websites, social media and theHub and
9 create custom logos or text treatments for various
10 initiatives.

11 So on the screen I have a range of our projects
12 and initiatives that we support from supporting
13 OnBoard with training, stakeholder engagement, web
14 copy and more. JP was also involved in developing the
15 logo for OnBoard to managing content for our websites.
16 We oversee PFL and the WCB website from a content
17 perspective. We deliver a steady stream of
18 educational webinars, we host conferences, we draft
19 organizational updates and support our executive team.
20 We support programs like the Board's telecommuting
21 program, as an example. We -- you know, we're
22 involved in the creation of the application for that,
23 the training for it, the rollout of that, so that's
24 just one example. And we all did guidelines and

1 mandatory training for that and so much more.

2 I want to highlight just a bit of our recent work
3 for you to give you a little deeper flavor of what we
4 do. This spring we created a new video series called
5 Compversations with Clarissa to help staff get to know
6 Board leadership and learn about other units. Each
7 episode Clarissa interviews a team or project leader,
8 and the interviews are casual but informative. So far
9 we featured Tim Purcell from the Office of Innovation,
10 Juanita Perez-Williams from Regula -- Integrative
11 Services.

12 CLARISSA RODRIGUEZ: Director of Integrative
13 Services.

14 MISSY STEWART: Dr. James Tacci from the MDO
15 and our Advocate for Injured Workers, Joe Cavalcante.
16 We're getting lots of great feedback on this series,
17 which is no doubt attributable to Clarissa's
18 interviewing skills for sure.

19 A recent highlight on the training side. This
20 past fall Staff Development worked with Adjudication
21 and other Board bureau SMEs to refresh the comp claims
22 referee training program as the Board brought on 15
23 new comp claims referees or Workers' Comp Law Judges.
24 The project included working with the judges and

1 attorneys to update and create dozens of videos and
2 other content for those judges to use during their
3 first month of OnBoarding.

4 On the external engagement front, on May 1st of
5 this year, International Workers' Day, the Board
6 hosted a free virtual conference for New York State
7 workers' advocates featuring guest speakers from the
8 Department of Labor, Office of New Americans, New York
9 Committee for Occupational Safety and Health and more.
10 The on-line interactive conference featured
11 information and discussions on workers' rights,
12 protections and resources to help. This
13 first-of-its-kind event for the Board was a success
14 with over 550 session attendees and more than 190
15 unique individual participants. PIO played a huge
16 role in this conference from event planning and
17 coordination to communications and design, ultimately
18 helping the Board create a well-organized, polished
19 event from start to finish.

20 A few months ago the Chair spoke to this group
21 about the Board's diversity, equity and inclusion
22 efforts, and PIO is proud to be partnering with the
23 DEI unit and counsel to bring ideas to light. This
24 has included working on implementation for various

1 aspects of the DEI five-year strategic plan building a
2 (audio cuts out) for DEI messaging and resources on
3 theHub, our intranet. We recently created a staff
4 video to celebrate -- celebrate diversity month, and
5 we supported May's Mental Health Awareness Month
6 events by promoting all of the great work that Dapo
7 and the team are doing to get people thinking about
8 self-care.

9 And finally, the last project I thought I would
10 highlight is our work to build a better intranet. To
11 facilitate communication and collaboration across and
12 within Board units and divisions, we've been working
13 with the Office of Innovation to create new
14 communication sites on theHub where staff can learn
15 more about other areas of the agencies, what they do,
16 who their contacts are and how to reach them and for
17 what. This effort includes a new communication site
18 for the Office of the Secretary and Full Board where
19 Board staff can go to access recordings of past Board
20 meetings, see upcoming meeting dates, read bios of the
21 Full Board -- or you, Full Board members, as well as
22 quotes that you gave us, thank you for that, and learn
23 how to contact the Chair and what to do with executive
24 correspondence.

1 This and other communication sites are available
2 for any -- from any page on theHub using the unit
3 site's dropdown at the top of the menu. We'll be
4 adding more units in the coming weeks and months and
5 look forward to helping each area use their site to
6 share news and information Board wide.

7 Thank you for giving me the opportunity to speak
8 with you today about the Public Information Office.
9 Before I close, I just want to direct you to some of
10 our shared mailboxes as well as our social media
11 handles. For any ideas or suggestions, whether that's
12 on something communications can be doing or a idea on
13 making a better Board, we have a mailbox the
14 betterboard@wcb.ny.gov. If you or anyone wants to
15 request webinars, education, publication materials or
16 other outreach, write to outreach@wcb.ny.gov. For
17 questions or requests related to Board staff training,
18 contact our staff development team at
19 staffdevelopment@wcb. (audio cuts out). For press
20 inquiries, we have a mailbox, publicinfo@wcb.ny.gov.
21 So if you ever receive a press inquiry, direct them
22 our way.

23 And lastly, if you're not already doing so, I
24 highly encourage everyone to follow the Board on

1 social media using the handles that are on the screen,
2 which are probably too small for you to read, but I
3 will send them to you afterwards. Thank you. Thank
4 you very much.

5 UNIDENTIFIED SPEAKER: Thank you.

6 CLARISSA RODRIGUEZ: Thank you so much,
7 Missy, for that presentation and for all the great
8 work that you and your team do for the Board. All
9 right. With that, Board Members, may I please have a
10 motion to adjourn today's meeting?

11 MARTIN DILAN: Madam Chair. I'm Board
12 Member Dilan, and I make a motion to adjourn.

13 CLARISSA RODRIGUEZ: Thank you, Board Member
14 Dilan. Is there a second?

15 LINDA HULL: I'm Board Member Hull, and I
16 second that motion.

17 CLARISSA RODRIGUEZ: Okay. Thank you, Board
18 Member Hull. Is there any opposition to the motion?
19 Okay, hearing none, Board Members all in favor, please
20 say aye.

21 ALL: Aye.

22 CLARISSA RODRIGUEZ: Thank you. All
23 opposed? Hearing none, I am also a yes. That motion
24 is passed. Meeting adjourned. Thank you all.

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WHEREUPON, THE MEETING WAS ADJOURNED.